
From: Gomez, Enrique [Enrique.Gomez@dps.texas.gov]
Sent: Wednesday, November 23, 2011 11:03 AM
To: Moon, Charles; Lee Guyette; John Mendoza
Cc: O'Connor, Ryan
Subject: Re: jury wheel ftp address

SoS will need to decide?

From: Moon, Charles
Sent: Wednesday, November 23, 2011 11:02 AM
To: Gomez, Enrique; 'LGuyette@sos.state.tx.us' <LGuyette@sos.state.tx.us>; 'JMendoza@sos.state.tx.us' <JMendoza@sos.state.tx.us>
Cc: O'Connor, Ryan
Subject: RE: jury wheel ftp address

Enrique, I just ran the counts again.

We have about 25M rows of total person records

- Running the request filters (all but SSN validation), we get about 22M records
- Removing duplicates using SSN + DPB combination, we get to 18.6M records

If SOS does not require valid SSNs, I can remove that filter and the count goes back close to 19M. However, we may introduce some duplicates since SSN is used in duplicate removal process. Please let me know which version is appropriate.

Thanks,

Charles Moon
512-590-5443 (m)

From: Gomez, Enrique
Sent: Wednesday, November 23, 2011 10:44 AM
To: Moon, Charles; 'LGuyette@sos.state.tx.us'; 'JMendoza@sos.state.tx.us'
Cc: O'Connor, Ryan
Subject: Re: jury wheel ftp address

Lee,
How many people do you think have Id's or dl's based on demographics?

Charles,
How many records do we have?

E

From: Moon, Charles
Sent: Wednesday, November 23, 2011 10:07 AM
To: Lee Guyette <LGuyette@sos.state.tx.us>; John Mendoza <JMendoza@sos.state.tx.us>
Cc: Gomez, Enrique; O'Connor, Ryan

TX_00055991

Defendant's Exhibit #
139

DE-000898

USA_00008692

Subject: RE: jury wheel ftp address

I agree, it appears to be. However, per your request, filters were used to remove duplicate , non-valid SSN, non-valid county, younger than 17yr 10mo, last name "Reissued" or "TEST", and no ID/DL number assigned records.

Did you want the unfiltered records?

Charles Moon
512-590-5443 (m)

From: Lee Guyette [mailto:LGuyette@sos.state.tx.us]
Sent: Tuesday, November 22, 2011 2:42 PM
To: Moon, Charles; John Mendoza; O'Connor, Ryan
Subject: RE: jury wheel ftp address

Charles and Ryan,

Thanks again for your help and prompt responses.

To be honest though, I am still struggling to understand the 14M number. In a state of 25+M, I would have assumed more than 56% of Texans would have drivers license or ID.

Am I missing something here?

Lee Guyette, MSc PMP
Software Development Manager
Office of the Texas Secretary of State
(512) 423-5751
lguyette@sos.state.tx.us



From: Moon, Charles [mailto:Charles.Moon@dps.texas.gov]
Sent: Tuesday, November 15, 2011 2:02 PM
To: John Mendoza; O'Connor, Ryan
Cc: Lee Guyette
Subject: RE: jury wheel ftp address

Potentially dangerous attachments were identified and removed from this message.

This message contains encrypted attachments that could not be verified virus free. Open only if you were expecting this message.

Sorry, try again... Change the type to exe.

The requirements was to remove all duplicates. There were 16 million IDs from which I removed duplicate SSN + DOB. We ended up with 14 million.

Charles Moon
512-590-5443 (m)

TX_00055992

Defendant's Exhibit #
139

DE-000899

USA_00008693

From: John Mendoza [mailto:JMendoza@sos.state.tx.us]
Sent: Tuesday, November 15, 2011 7:56 AM
To: Moon, Charles; O'Connor, Ryan
Cc: Lee Guyette
Subject: RE: jury wheel ftp address

Charles,

Our email system blocks any executable attachments. Please try zipping the EXE and resend the file or send via FTP as before.

Also, I'm concerned over the number of records. The annual jury wheel file (statewide driver/id file) sent late September/early November of this year had over 16 million records (this also filtered felons). The file you've sent me for this project is just over 14 million (which should still include the felons), so I was expecting more records than the jury file. Did we really remove 2 million records worth of duplicates? Or were those also due to some of the other filters?

I thought the people without SSN may have been those missing records, but if you are saying it is only 4,227 records, then I still need to ask if the record counts are correct.

Can you shed some light on accounting for the 2 million records shortfall?

JohnM.

From: Moon, Charles [mailto:Charles.Moon@dps.texas.gov]
Sent: Monday, November 14, 2011 1:34 PM
To: John Mendoza; O'Connor, Ryan
Cc: Lee Guyette
Subject: RE: jury wheel ftp address

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John,

Same password and format as before. There should be 4227 records with blank SSNs.

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512-590-5443 (m)

From: John Mendoza [mailto:JMendoza@sos.state.tx.us]
Sent: Monday, November 14, 2011 1:26 PM
To: Moon, Charles; O'Connor, Ryan
Cc: Lee Guyette
Subject: RE: jury wheel ftp address

See responses in red below.

JohnM.

From: Moon, Charles [mailto:Charles.Moon@dps.texas.gov]
Sent: Monday, November 14, 2011 1:06 PM
To: John Mendoza; O'Connor, Ryan
Cc: Lee Guyette
Subject: RE: jury wheel ftp address

TX_00055993

Defendant's Exhibit #
139

DE-000900

USA_00008694

John, I need some clarification...

1. You want the remaining list of people who does not have SSN. Is that correct? If yes, I can get it to you today. Yes. Please send the remaining list of people that did not have SSN. These were inadvertently filtered during the filtering of those records that had the same Last Name, First Name, Date of Birth, and SSN.
2. I opened your sample file.
 - a. DPS – DL transactional system uses 11 digit numeric data type as system IDs. That is the reason why you have IDs with different number of digits. Adding leading “0” is acceptable since the system will ignore all leading zeros as they are not relevant for numeric data. OK, I’ll add the leading zeroes, in the past we considered TDL/iD character fields and treated leading zeroes as significant digits.
 - b. Data without ethnicity should remain as they are as well as the people without counties. No problem.
 - c. You can predict their counties using zip code. But that would only be guessing. I can send you their zip codes, if you prefer. No need.

Charles Moon
512-590-5443 (m)

From: John Mendoza [mailto:JMendoza@sos.state.tx.us]
Sent: Monday, November 14, 2011 11:58 AM
To: Moon, Charles; O'Connor, Ryan
Cc: Lee Guyette
Subject: RE: jury wheel ftp address

FYI,

First, we’ll need those missing records. Those that don’t have an SSN. I realize you cannot check for duplicates in this set, but we still need those records for this project. if you can create and FTP that file, when would it be ready?

Second, I’ve attached a zipped file, which once unzipped, you’ll find an encrypted exe file, which you can decrypt by using your same encryption password/passphrase. This file is the sample of the data related to the other questions. Ryan mentioned if the TDL/ID had 7-digits we can add the leading zero, but there were quite a few records that ranged from 1 digit all the way up to 7 digits. Would we treat all these as needing the leading zeroes?

Note: The first question is the most import part. The other questions, I can work around, I just wanted to get some confirmation that the records were valid records and that I can use them. Also, if adding the leading zeroes was the correct approach on my part.

Thanks.
JohnM.

Attorney-Client Privileged

TX_00055994

Defendant's Exhibit #
139

DE-000901

USA_00008695

Attorney-Client Privileged

TX_00055995

Defendant's Exhibit #
139

DE-000902

USA_00008696

Attorney-Client Privileged

TX_00055996

Defendant's Exhibit #
139

DE-000903

USA_00008697

From: John Mendoza [mailto:JMendoza@sos.state.tx.us]
Sent: Tuesday, November 08, 2011 3:30 PM
To: Moon, Charles
Cc: O'Connor, Ryan; Lee Guyette
Subject: RE: jury wheel ftp address

FYI,

I believe I'm closer. I was able to filter out the non-printable characters and I'm able to read the file better now.

I'll try to load the file into our database. I wasn't expecting the date formats, but I'm hoping I can handle them too.

Will keep you updated.

JohnM.

From: Moon, Charles [mailto:Charles.Moon@dps.texas.gov]
Sent: Monday, November 07, 2011 4:28 PM
To: John Mendoza
Cc: O'Connor, Ryan; Lee Guyette
Subject: RE: jury wheel ftp address

John, this looks like code page issue.

All data sets we generate from the DPS warehouse are in Unicode (NVARCHAR). You may want to check to make sure you are opening it as Unicode text document.

Charles Moon
512-590-5443 (m)

From: John Mendoza [mailto:JMendoza@sos.state.tx.us]
Sent: Monday, November 07, 2011 4:05 PM
To: Moon, Charles
Cc: O'Connor, Ryan; Lee Guyette
Subject: RE: jury wheel ftp address

The record looks something like this:

ÿþ101ROSINSKI	BENJAMIN	ANTHONY
---------------	----------	---------

I'll try to filter the bad characters out. Will let you know.

JohnM.

P.S. I'm coming in a noon tomorrow, since I'll be working late due to the November Election.

From: Moon, Charles [mailto:Charles.Moon@dps.texas.gov]
Sent: Monday, November 07, 2011 3:58 PM
To: John Mendoza
Cc: O'Connor, Ryan; Lee Guyette
Subject: RE: jury wheel ftp address

TX_00055997

Also, you should have 14,155,516 rows of data.

Charles Moon
512-590-5443 (m)

From: Moon, Charles
Sent: Monday, November 07, 2011 3:44 PM
To: 'John Mendoza'
Cc: O'Connor, Ryan; Lee Guyette
Subject: RE: jury wheel ftp address

No, I did not include the header file but sent it to you in a separate email. The first row should look like this.

101ROSINSKI... BENJAMIN... ANTHONY.....

Is that what you have?

You can parse it using this position table.

Field Name	Data Type (size)	Position
[County Code]	[nvarchar] (3)	1-3
[Last Name]	[nvarchar] (40)	4-43
[First Name]	[nvarchar] (40)	44-83
[Middle Name]	[nvarchar] (40)	84-123
[Name Suffix]	[nvarchar] (10)	124-133
[SSN]	[nvarchar] (9)	134-142
[Gender]	[nvarchar] (1)	143
[TDL or TID Number]	[nvarchar] (11)	144-154
[Issue Date]	[date]	155-171
[Date of Birth]	[date]	172-188
[Ethnicity]	[nvarchar] (1)	189

Charles Moon
512-590-5443 (m)

From: John Mendoza [mailto:JMendoza@sos.state.tx.us]
Sent: Monday, November 07, 2011 3:08 PM
To: Moon, Charles
Cc: O'Connor, Ryan; Lee Guyette
Subject: RE: jury wheel ftp address

Yes. I was able to decrypt the file.

However, there's something strange with the beginning of the file. I'm getting some special characters at the start of the file, followed by the data. Possibly it's the column header record you mentioned you were going to add at the top. I don't see the column headers, just the special characters.

It's giving me some trouble reading the file.

JohnM.

From: Moon, Charles [mailto:Charles.Moon@dps.texas.gov]
Sent: Monday, November 07, 2011 2:16 PM
To: John Mendoza

TX_00055998

Cc: O'Connor, Ryan
Subject: RE: jury wheel ftp address

John, were you able to run it to extract the text file?

Charles Moon
512-590-5443 (m)

From: John Mendoza [mailto:JMendoza@sos.state.tx.us]
Sent: Monday, November 07, 2011 1:47 PM
To: Madipadga, Vanisree
Cc: Moon, Charles; Lee Guyette
Subject: RE: jury wheel ftp address

Yes, I have received it.

JohnM.

From: Madipadga, Vanisree [mailto:Vanisree.Madipadga@dps.texas.gov]
Sent: Monday, November 07, 2011 1:33 PM
To: John Mendoza
Cc: Moon, Charles
Subject: FW: jury wheel ftp address

Hi,
The file SOS_2f.exe transferred to SOS and I can see the file on their server.

Thanks,
Vani

From: Moon, Charles
Sent: Monday, November 07, 2011 1:11 PM
To: Madipadga, Vanisree
Subject: RE: jury wheel ftp address

Done.

Charles Moon
512-590-5443 (m)

TX_00055999

Defendant's Exhibit #
139

DE-000906

USA_00008700

From: Moon, Charles [Charles.Moon@dps.texas.gov]
Sent: Wednesday, November 16, 2011 8:43 AM
To: John Mendoza
Cc: Lee Guyette; Gomez, Enrique; O'Connor, Ryan
Subject: RE: jury wheel ftp address

Excellent! Please let me know if you need anything else. For now, I will close this work order as completed.

Thanks,

Charles Moon
512-590-5443 (m)

From: John Mendoza [mailto:JMendoza@sos.state.tx.us]
Sent: Wednesday, November 16, 2011 6:50 AM
To: Moon, Charles; O'Connor, Ryan
Cc: Lee Guyette
Subject: RE: jury wheel ftp address

Charles,

I've got the file. Will work on loading the additional 4,227 records. Based on your comments, I think I'm good to go.

JohnM.

From: Moon, Charles [mailto:Charles.Moon@dps.texas.gov]
Sent: Tuesday, November 15, 2011 2:02 PM
To: John Mendoza; O'Connor, Ryan
Cc: Lee Guyette
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We ended up with 14 million.

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Note: The first question is the most import part. The other questions, I can work around, I just wanted to get some confirmation that the records were valid records and that I can use them. Also, if adding the leading zeroes was the correct approach on my part.

Thanks.
JohnM.

Attorney-Client Privileged

Attorney-Client Privileged

Attorney-Client Privileged

From: Moon, Charles [mailto:Charles.Moon@dps.texas.gov]
Sent: Tuesday, November 08, 2011 3:38 PM
To: John Mendoza
Cc: O'Connor, Ryan; Lee Guyette
Subject: RE: jury wheel ftp address

John, just let me know if you want me to make any changes to the data. We run SQL Server and CSV file format as our standard extract. Anything other than that, I can export using scripts.

I am out of office starting Thu until Monday of next week. So if you need something, you will have to catch me before 4PM tomorrow (Wed).

Thanks,

Charles Moon
512-590-5443 (m)

From: John Mendoza [mailto:JMendoza@sos.state.tx.us]
Sent: Tuesday, November 08, 2011 3:30 PM
To: Moon, Charles
Cc: O'Connor, Ryan; Lee Guyette
Subject: RE: jury wheel ftp address

5

TX_00056696

Defendant's Exhibit #
140

DE-000911

USA_00008705

FYI,

I believe I'm closer. I was able to filter out the non-printable characters and I'm able to read the file better now.

I'll try to load the file into our database. I wasn't expecting the date formats, but I'm hoping I can handle them too.

Will keep you updated.

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[First Name]	[nvarchar] (40)	44-83
[Middle Name]	[nvarchar] (40)	84-123
[Name Suffix]	[nvarchar] (10)	124-133
[SSN]	[nvarchar] (9)	134-142
[Gender]	[nvarchar] (1)	143
[TDL or TID Number]	[nvarchar] (11)	144-154
[Issue Date]	[date]	155-171
[Date of Birth]	[date]	172-188
[Ethnicity]	[nvarchar] (1)	189

Charles Moon
512-590-5443 (m)

From: John Mendoza [mailto:JMendoza@sos.state.tx.us]
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To: Madipadga, Vanisree
Subject: RE: jury wheel ftp address

Done.

Charles Moon
512-590-5443 (m)

Immigration Legislation Plan

Action Item #1: Pursue enhanced drivers license security

Relevant committees to pursue the following 4 action items based on interim charges include:

- **House Defense Affairs #6-** Review the current requirements for driver's license and identification card holders in Texas in order to recommend legislative measures to prevent these documents from being used to further criminal activities and recommend ways to enhance homeland security. (Joint Interim Charge with the House Committee on Transportation)
- **House Law Enforcement #4-** Review the current requirements for receiving a Texas driver's license or ID card to determine whether they should be more stringent in order to prevent a criminal or terrorist from fraudulently obtaining an official form of Texas identification.
- **House Transportation #8-** Review the current requirements for driver's license and identification card holders in Texas in order to recommend legislative measures to prevent these documents from being used to further criminal activities, and recommend ways to enhance homeland security. (Joint Interim Charge with House Committee on Defense Affairs and State-Federal Relations)
- **Senate Transportation #2-** Study and make recommendations for the creation of a tamper-proof driver's license or photo ID that complies with the federal Real ID Act, including the implementation of the Secure Enhanced Drivers' License Program (SB 11, 80th Legislature), by the Department of Public Safety and issue recommendations for improving and expanding the pilot program.

Action Item #1A: *Texas will require that a DL given to a non-citizen expire upon the expiration of their visa.*

Transportation Code § 521.271. LICENSE EXPIRATION.

(a) Each original driver's license and provisional license expires as follows:

(1) except as provided by Section 521.2711, a driver's license expires on the first birthday of the license holder occurring after the sixth anniversary of the date of the application;

(2) a provisional license expires on the earlier of:

(A) the 18th birthday of the license holder; or

(B) the first birthday of the license holder occurring after the date of the

application;

(3) an instruction permit expires on the second birthday of the license holder occurring after the date of the application; and

(4) an occupational license expires on the first anniversary of the court order granting the license.

(5) a driver's license issued to a foreign national expires upon expiration of their lawful stay in the United States

(b) Except as provided by Section 521.2711, a driver's license that is renewed expires on the sixth anniversary of the expiration date before renewal.

Transportation Code § 521.314. CANCELLATION AUTHORITY. The department may cancel a license or certificate if it determines that the holder:

(1) was not entitled to the license or certificate; or

(2) failed to give required information in the application for the license or certificate.

(3) has overstayed their lawful presence in the United States.

TX_00060610

Defendant's Exhibit #

DE-000934

144

USA_00008728

Action Item #1B: Foreign national status will be made clear on the face of the DL.

Transportation Code 521.121. GENERAL INFORMATION ON DRIVER'S LICENSE.

(a) The driver's license must include:

- (1) a distinguishing number assigned by the department to the license holder;
- (2) a color photograph of the entire face of the holder;
- (3) the full name, date of birth, and residence address of the holder; and
- (4) a brief description of the holder.

(5) if the holder is a foreign national, the words "foreign national" will appear on the face of the driver's license.

(b) The driver's license must include a facsimile of the license holder's signature or a space on which the holder shall write the holder's usual signature in ink immediately on receipt of the license. A license is not valid until it complies with this subsection.

Action Item #1C: Foreign nationals must renew DL's in person. (Please note, the statute states that this can occur by rule. As such, it is possible that this action item is not necessary).

Transportation Code § 521.104. RENEWAL BY MAIL OR ELECTRONIC MEANS.

The department by rule may provide that the holder of a personal identification certificate may renew the certificate by mail, by telephone, over the Internet, or by other electronic means. All foreign national's must renew licenses in person upon expiration of their lawful status. A rule adopted under this section may prescribe eligibility standards for renewal under this section.

Transportation Code § 521.274. RENEWAL BY MAIL OR ELECTRONIC MEANS.

(a) The department by rule may provide that the holder of a driver's license may renew the license by mail, by telephone, over the Internet, or by other electronic means.

(b) A rule adopted under this section:

- (1) may prescribe eligibility standards for renewal under this section;
- (2) may not permit a person subject to the registration requirements under Chapter 62, Code of Criminal Procedure, to register by mail or electronic means; and

(3) may not permit renewal by mail or electronic means of a driver's license of a person who is 79 years of age or older; and

(4) may not permit renewal by mail or electronic means of a driver's license of a person who is a foreign national.

Action Item #1D: Foreign national's thumbprints should be compared with national crime databases.

Transportation Code § 521.059. IMAGE VERIFICATION SYSTEM.

(a) The department shall establish an image verification system based on the following identifiers collected by the department:

- (1) an applicant's facial image; and
- (2) an applicant's thumbprints or fingerprints.

(b) The department shall authenticate the facial image and thumbprints or fingerprints provided by an applicant for a personal identification certificate, driver's license, or commercial driver's license or permit using image comparison technology to ensure that the applicant:

- (1) is issued only one original license, permit, or certificate;
- (2) does not fraudulently obtain a duplicate license, permit, or certificate; and
- (3) does not commit other fraud in connection with the application for a license, permit,

or certificate; and

(4) is lawfully authorized to be in the United States.

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Defendant's Exhibit #

DE-000935

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(c) The department shall use the image verification system established under this section only to the extent allowed by Chapter 730, Transportation Code, to aid other law enforcement agencies in:

(1) establishing the identity of a victim of a disaster or crime that a local law enforcement agency is unable to establish; or

(2) conducting an investigation of criminal conduct.

(d) The department shall provide a statistical report annually to the legislature describing the rate of error presented in the image verification system, including the rate of incorrect matching of facial images, categorized by race. This subsection expires September 1, 2010.

Transportation Code § 730.005. REQUIRED DISCLOSURE. Personal information obtained by an agency in connection with a motor vehicle record shall be disclosed for use in connection with any matter of:

(1) motor vehicle or motor vehicle operator safety;

(2) motor vehicle theft;

(3) motor vehicle emissions;

(4) motor vehicle product alterations, recalls, or advisories;

(5) performance monitoring of motor vehicles or motor vehicle dealers by a motor vehicle manufacturer;

(6) removal of nonowner records from the original owner records of a motor vehicle manufacturer to carry out the purposes of:

(A) the Automobile Information Disclosure Act, 15 U.S.C. Section 1231 et seq.;

(B) 49 U.S.C. Chapters 301, 305, 323, 325, 327, 329, and 331;

(C) the Anti Car Theft Act of 1992, 18 U.S.C. Sections 553, 981, 982, 2119, 2312, 2313, and 2322, 19 U.S.C. Sections 1646b and 1646c, and 42 U.S.C. Section 3750a et seq., all as amended;

(D) the Clean Air Act, 42 U.S.C. Section 7401 et seq., as amended; and

(E) any other statute or regulation enacted or adopted under or in relation to a law included in Paragraphs (A)-(D); or

(7) child support enforcement under Chapter 231, Family Code; or

(8) to ensure that a foreign national requesting a driver's license is lawfully permitted to be in the United States.

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Action Item #2: Require state and local law enforcement officers to detain and report all illegal immigration violations to the federal authorities. This includes requiring law enforcement officers to determine the immigration status of persons that are incarcerated and exploring options to provide funding for municipalities who wish to acquire 287(g) training.

Relevant committees to pursue this action item based on interim charges include:

- **House Border Affairs #2-** Review changes in border security and immigration on the state and federal level. (Joint Interim Charge with the House Committee on State Affairs)
- **House County Affairs #3-** Study policies and procedures related to illegal immigration and border security of the Texas Department of Criminal Justice, county probation departments, and local and county jail facilities, and make recommendations to improve coordination with international, federal, state, and local authorities. (Joint Interim Charge with the House Committee on Corrections)
- **House Corrections #7 -** Study policies and procedures related to illegal immigration and border security of the Texas Department of Criminal Justice, county probation departments, and local and county jail facilities, and make recommendations to improve coordination with international, federal, state, and local authorities. (Joint Interim Charge with the House Committee on County Affairs)
- **House State Affairs #6 -** Study and make recommendations to encourage authorization for political subdivisions to enter into agreements with the United States Department of Homeland Security under Section 287(g), Immigration and Nationality Act, to perform the functions of immigration officers.
- **House State Affairs #8 -** Review changes in border security and immigration on the state and federal level. (Joint Interim Charge with the House Committee on Border and International Affairs)
- **Senate Transportation #15 -** Study and make recommendations to stem the tide of illegal immigration, drug trafficking, and human smuggling, and to reduce the criminal activities within the Border region. (Joint charge with Senate Committee on International Relations and Trade)

Local Government Code § 370.003. MUNICIPAL OR COUNTY POLICY REGARDING ENFORCEMENT OF DRUG and immigration LAWS.

The governing body of a municipality, the commissioners court of a county, or a sheriff, municipal police department, municipal attorney, county attorney, district attorney, or criminal district attorney may not adopt a policy under which the entity will not fully enforce laws relating to drugs or immigration, including Chapters 481 and 483, Health and Safety Code, and state and federal law.

Article 2.13, Code of Criminal Procedure

- (a) It is the duty of every peace officer to preserve the peace within the officer's jurisdiction. To effect this purpose, the officer shall use all lawful means.
- (b) The officer shall:
- (1) in every case authorized by the provisions of this Code, interfere without warrant to prevent or suppress crime;
 - (2) execute all lawful process issued to the officer by any magistrate or court;
 - (3) give notice to some magistrate of all offenses committed within the officer's jurisdiction, where the officer has good reason to believe there has been a violation of the penal law; and
 - (4) arrest offenders without warrant in every case where the officer is authorized by law, in order that they may be taken before the proper magistrate or court and be tried.
- (c) It is the duty of every officer to take possession of a child under Article 63.009(g).

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(d) No state entity or municipality may enact or adopt a policy that would require a peace officer to violate state or federal law. Any such policy shall be disregarded by a peace officer in performing his normal course of duties.

(e) It is the duty of every officer to report the commission of, or the conspiracy to commit a federal crime, to the appropriate federal agency. If an officer who has knowledge of a federal crime or the conspiracy of a federal crime does not report the crime to the appropriate federal agency, the officer may have his certification by the Texas Commission on Law Enforcement Officer Standards and Education revoked.

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Defendant's Exhibit #

DE-000938

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Action Item # 3: Require a valid Texas DL/ID to vote. – Currently, the Election Code Sec. 11.002 requires that a qualified voter be a US citizen. We will take this one step further and also mandate that a voter have a valid TX ID/DL. The question to consider is: will that be the only document that is acceptable to present when voting?

Relevant committee to pursue this action item based on interim charges include:

- **Senate State Affairs #4** - Study the issue of security and accuracy in Texas elections. The study should include the benefits and risks of electronic voting technology, including the necessity of maintaining a paper record of each electronic vote. The study should also include an analysis of fraud in Texas elections, including prosecution rates for voter fraud, the processes for purging ineligible voters from voter lists, and the integrity of the mail-in and provisional ballot systems. Study the effectiveness of electronic voting technology and voter ID laws in other states. Monitor the implementation of the federal Help America Vote Act of 2002, including the implementation of the Texas Election Administration Management system. Recommend statutory and regulatory changes designed to ensure that only eligible voters are allowed to vote in Texas elections and that each vote is accurately counted.

Election Code § 63.001. REGULAR PROCEDURE FOR ACCEPTING VOTER.

- (a) Except as otherwise provided by this code, acceptance of voters shall be conducted as provided by this section and Section 63.0011.
- (b) On offering to vote, a voter must present the voter's voter registration certificate and a valid Texas driver's license or identification card to an election officer at the polling place.
- (c) On presentation of a registration certificate and a valid Texas driver's license or identification card, an election officer shall determine whether the voter's name on the registration certificate is on the list of registered voters for the precinct.
- (d) If the voter's name is on the precinct list of registered voters, the voter shall be accepted for voting.
- (e) On accepting a voter, an election officer shall indicate beside the voter's name on the list of registered voters that the voter is accepted for voting.
- (f) After determining whether to accept a voter, an election officer shall return the voter's

Election Code § 63.0101. DOCUMENTATION OF PROOF OF IDENTIFICATION.

The following documentation is acceptable as proof of identification under this chapter:

- (1) a driver's license or personal identification card issued to the person by the Department of Public Safety ~~or a similar document issued to the person by an agency of another state, regardless of whether the license or card has expired;~~
- (2) ~~a form of identification containing the person's photograph that establishes the person's identity;~~
- (3) ~~a birth certificate or other document confirming birth that is admissible in a court of law and establishes the person's identity;~~
- (4) United States citizenship papers issued to the person;
- (5) a United States passport issued to the person;
- ~~(6) official mail addressed to the person by name from a governmental entity;~~
- ~~(7) a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter; or~~
- (8) any other form of identification prescribed by the secretary of state.

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Defendant's Exhibit #

DE-000939

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Action Item # 4: Require proof of immigration status for employment purposes.

Relevant committee to pursue this action item based on interim charges include:

- Senate Business and Commerce #8 - Study and make recommendations on improving the implementation of HB 1196, 80th Legislature, to ensure that public funds are not used to encourage illegal immigration into the state by prohibiting any taxpayer-subsidized job creation grant or tax abatement given to any business entity in Texas that knowingly hires illegal immigrants.

Action Item #4A - Require employers/contractors with the state to verify immigration status of employees through mandatory use of the federal verification database.

Government Code § 2261.053. PROHIBITION ON CERTAIN BIDS AND CONTRACTS.

(a) In this section:

(1) "Disaster" has the meaning assigned by Section 418.004.

(2) Hurricane Katrina" means the hurricane of that name that struck the gulf coast region of the United States in August 2005.

(b) Except as provided by Subsection (c), a state agency may not accept a bid or award a contract that includes proposed financial participation by a person who, during the five-year period preceding the date of the bid or award, has been:

(1) convicted of violating a federal law in connection with a contract awarded by the federal government for relief, recovery, or reconstruction efforts as a result of Hurricane Rita, as defined by Section 39.459, Utilities Code, Hurricane Katrina, or any other disaster occurring after September 24, 2005; or

(2) assessed a penalty in a federal civil or administrative enforcement action in connection with a contract awarded by the federal government for relief, recovery, or reconstruction efforts as a result of Hurricane Rita, as defined by Section 39.459, Utilities Code, Hurricane Katrina, or any other disaster occurring after September 24, 2005.

(c) A bid or award subject to the requirements of this section must include the following statement: "Under Section 2261.053, Government Code, the contractor certifies that the individual or business entity named in this bid or contract is not ineligible to receive the specified contract and acknowledges that this contract may be terminated and payment withheld if this certification is inaccurate."

(d) A bid or award subject to the requirements of this section must include a statement certifying that the business, or a branch, division, or department of the business, does not and will not knowingly employ an undocumented worker. The statement shall also include a certification that the business registered and participates in the federal work authorization program to verify information of all new employees.

~~(d)~~ (e) If a state agency determines that an individual or business entity holding a state contract was ineligible to have the bid accepted or contract awarded under Subsection (b), the state agency may immediately terminate the contract without further obligation to the contractor.

(e) (f) This section does not create a cause of action to contest a bid or award of a state contract.

Government Code § 2252.002. AWARD OF CONTRACT TO NONRESIDENT BIDDER. A governmental entity may not award a governmental contract to a nonresident bidder unless the nonresident underbids the lowest bid submitted by a responsible resident bidder by an amount that is not less than the amount by which a resident bidder would be required to underbid the nonresident bidder to obtain a comparable contract in the state in which the nonresident's principal place of business is located. A bid or award subject to the requirements of this section must include a statement certifying that the business, or a branch, division, or department of the business, does not and will not knowingly employ an undocumented worker. The statement shall also include a certification that the business registered and participates in the federal work authorization program to verify information of all new employees.

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Government Code § 2252.905. CONTRACTS WITH PERSONS WHO KNOWINGLY HIRE ILLEGAL WORKERS

A state agency may not enter into an employment contract, a professional services contract under Chapter 2254, or a consulting services contract under Chapter 2254 without a statement certifying that the business, or a branch, division, or department of the business, does not and will not knowingly employ an undocumented worker. The statement shall also include a certification that the business registered and participates in the federal work authorization program to verify information of all new employees.

Action Item #4B - Require proof of immigration status in order to receive a professional or business license issued by a Texas state or local agency.

Government Code § 2005.052. DENIAL, SUSPENSION, OR REVOCATION FOR FALSE STATEMENT, MISREPRESENTATION, OR REFUSAL TO PROVIDE INFORMATION.

(a) A licensing authority may deny a person's application for a license or suspend or revoke a person's license if the licensing authority determines, after notice and hearing, that the person knowingly:

- (1) made a false statement in connection with applying for or renewing the license,
- (2) made a material misrepresentation to the licensing authority in connection with applying for or renewing the license;
- (3) refused to provide information requested by the licensing authority including presenting a valid Texas driver's license or identification card; or
- (4) failed to provide all of the person's criminal history information in response to the licensing authority's request for the information.

(b) A denial, suspension, or revocation by a licensing authority under this section is governed by the administrative procedures that apply to other disciplinary actions taken by the licensing authority.

Generic sanctuary language that can be added to all sections of code that are modified:

(b) No state entity or municipality may enact or adopt a policy that would entail a violation of state or federal law, including homeland security and immigration law. A violation under this section will result in the immediate forfeiture and repayment of any funding given to that state entity or municipality for this purpose.

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Defendant's Exhibit #

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HOUSE OF REPRESENTATIVES

JOE STRAUS

SPEAKER

FOR IMMEDIATE RELEASE

WEDNESDAY, FEBRUARY 09, 2011

CONTACT:

TRACY YOUNG

ENRIQUE MARQUEZ

(512) 463-0223

SPEAKER STRAUS ANNOUNCES HOUSE COMMITTEE ASSIGNMENTS

AUSTIN--- Today, Speaker Joe Straus (R-San Antonio) announced the Texas House of Representatives committees for the 82nd Legislature, and issued the following statement:

“One of the most important roles of the Speaker of the House is making committee assignments. I have tried to apply the interests and expertise of individual Members to our State’s challenges, and to make sure the geographic and demographic diversity of Texas is fairly represented. Under the rules of the House, a number of committee assignments are based on Members’ seniority, and we also have a near-record 38 new freshmen representatives this year.

“I am eager for the committees to begin work on important legislation and for you to collaborate on the issues that matter most to our state. Today, I am referring hundreds of bills to the committees, so the House can immediately begin working on these critical issues. In my second term as Speaker, I am committed to continuing to lead the House with respect for the Members and the people who sent them here, allowing members to govern in a way that represents their constituents.”

Key Facts on Committees:

- Stats and Figures
 - 27 Republican Chairs (71.05%) and 11 Democratic Chairs (28.95%)
 - 33 Male Chairs; 5 Female Chairs
 - Ethnic Composition of Chairs: 27 Caucasian; 6 Hispanic; 5 African American
 - Geographic Composition of Chairs: 23 Urban; 15 Rural
- Speaker Pro Tempore: Representative Beverly Woolley (R-Houston)
- *Officially designated* Dean of the House: Representative Tom Craddick (R-Midland)
- *Fast track* Select Committee on Voter Identification and Voter Fraud; and
- Select Committee on State Sovereignty.

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List of Committee Chairs:

1. Agriculture & Livestock: Representative Rick Hardcastle (R-Vernon)
 2. Appropriations: Representative Jim Pitts (R-Waxahachie)
 3. Border & Intergovernmental Affairs: Representative Veronica Gonzales (D-McAllen)
 4. Business & Industry: Representative Joe Deshotel (D-Beaumont)
 5. Calendars: Representative Todd Hunter (R-Corpus Christi)
 6. Corrections: Representative Jerry Madden (R-Richardson)
 7. County Affairs: Representative Garnet Coleman (D-Houston)
 8. Criminal Jurisprudence: Pete Gallego (D-Alpine)
 9. Culture, Recreation & Tourism: Representative Ryan Guillen (D-Rio Grande City)
 10. Defense & Veterans' Affairs: Representative Joe Pickett (D-El Paso)
 11. Economic & Small Business Development: Representative John Davis (R-Houston)
 12. Elections: Representative Larry Taylor (R-Friendswood)
 13. Energy Resources: Representative Jim Keffer (R-Eastland)
 14. Environmental Regulation: Representative Wayne Smith (R-Baytown)
 15. General Investigating & Ethics: Representative Chuck Hopson (R-Jacksonville)
 16. Government Efficiency & Reform: Representative William "Bill" Callegari (R-Katy)
 17. Higher Education: Representative Dan Branch (R-Dallas)
 18. Homeland Security & Public Safety: Representative Sid Miller (R-Stephenville)
 19. House Administration: Representative Charlie Geren (R-Fort Worth)
 20. Human Services: Representative Richard Peña Raymond (D-Laredo)
 21. Insurance: Representative John Smithee (R-Amarillo)
 22. Judiciary & Civil Jurisprudence: Representative Jim Jackson (R-Carrollton)
 23. Land & Resource Management: Representative Rene Oliveira (D-Brownsville)
 24. Licensing & Administrative Procedures: Representative Mike Hamilton (R-Mauriceville)
 25. Local & Consent Calendars: Representative Senfronia Thompson (D-Houston)
 26. Natural Resources: Representative Allan Ritter (R-Nederland)
 27. Pensions, Investments & Financial Services: Representative Vicki Truitt (R-Keller)
 28. Public Education: Representative Rob Eissler (R-The Woodlands)
 29. Public Health: Representative Lois Kolkhorst (R-Brenham)
 30. Redistricting: Representative Burt Solomons (R-Carrollton)
 31. Rules & Resolutions: Representative Ruth Jones McClendon (D-San Antonio)
 32. State Affairs: Representative Byron Cook (R-Corsicana)
 33. Technology: Representative Aaron Peña (R-Edinburg)
 34. Transportation: Representative Larry Phillips (R-Sherman)
 35. Urban Affairs: Representative Harold Dutton Jr. (D-Houston)
 36. Ways & Means: Representative Harvey Hilderbran (R-Kerrville)
 37. Select Committee on State Sovereignty: Representative Brandon Creighton (R-Conroe)
 38. Select Committee on Voter Identification and Voter Fraud: Representative Dennis Bonnen (R-Angleton)
- Election Contest, Select (Previously announced): Representative Todd Hunter (R-Corpus Christi)
 - Joint Committee on Oversight and HHS Eligibility System: Representative Fred Brown (R-College Station)

Follow Speaker Straus online at <http://twitter.com/SpeakerStraus>

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TX_00078453

Defendant's Exhibit #

DE-000943

145

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From: Karen Richards
Sent: Thursday, October 10, 2002 4:34 PM
To: 'kherman@statesman.com'
Subject: Hispanic Surname States.

Mr. Herman, here are the two reports we discussed on the phone. The first report is a text file that contains all the Hispanic Surnames. This table of names came from the Census Bureau and represents those surnames considered to be Hispanic. When a new or updated voter enters the masterfile of registered voters, their last and former name fields are compared against this table of Hispanic surnames. If either of the name fields matches to a name on the Hispanic Surname table, they are flagged as "Hispanic" in our file.

The second report provides a breakdown of the voters found to have Hispanic surnames. Please note, the reports processed since 1995 only identified an Hispanic surname if the voter provided their gender. Legislation in 1995 removed the requirement to state your gender, making it an optional field. I have however, supplied figures based on a different run that was not triggered by gender. This figure counted all Hispanic surname voters. We are required under the Voting Rights Act to provide all voters with an Hispanic surname an explanatory statement of any Constitutional Amendment to be translated in Spanish. This figure was taken from that report.

As I stated, we are running a query that will provide a total Hispanic surname count for the state, and will be available each Monday. I will be happy to keep you posted on that statewide figure as we get updated totals. Please let me know if I can be of further assistance.

Karen Richards
Voter Registration Department
Office of the Secretary of State



spnames.txt



Hispsur.doc

Voter Registration Statistical Report
Recap of Hispanic Surname Periodic Reports
Showing Additional Runs

Month & Year	Total Voters	Males	Females	Hispanic Males	Hispanic Females	Total Hispanic Female & Male	Total*** Hispanic's Taken From Spanish Label Project
1/1984	6,681,345	M+F 872,442	Na	Na	Na	Na	
4/1985	7,355,244	3,479,233	3,875,405	445,469	491,104	936,573	
3/1986	7,684,657	3,623,769	4,060,647	481,146	537,482	1,018,628	
1/1987	7,222,465	3,400,527	3,821,839	465,842	521,172	987,014	
6/1987	7,312,879	3,447,999	3,864,785	474,899	530,415	1,005,314	
6/1988	7,955,344	3,742,885	4,212,400	510,820	577,768	1,088,588	
4/1989	8,126,124	3,811,167	4,314,905	524,367	602,106	1,126,473	
7/1989	8,113,038	3,803,634	4,309,357	524,366	602,999	1,127,365	
3/1990	8,214,386	3,846,353	4,367,988	537,441	623,187	1,160,628	
7/1990	8,327,682	3,896,883	4,430,754	543,361	631,625	1,174,986	
11/1990*	7,609,587	3,551,726	4,057,817	507,302	590,549	1,097,851	
4/1991	7,766,558	3,620,094	4,146,421	514,020	601,866	1,115,886	
7/1991	7,778,138	3,623,528	4,154,567	516,801	606,714	1,123,515	
2/1992	7,856,294	3,656,443	4,199,806	522,843	615,115	1,137,958	
8/1992	7,981,194	3,715,670	4,265,480	532,754	627,129	1,159,883	
6/1993	8,602,489	4,020,231	4,582,218	579,104	679,881	1,258,985	
2/1994	8,941,190	4,179,874	4,761,274	606,260	716,250	1,322,510	
12/1994	8,526,140	3,986,886	4,539,168	597,836	708,451	1,306,287	
10/1995**	9,268,679	4,255,815	4,912,052	651,535	787,620	1,439,155	
2/1996**	9,524,145	4,322,934	5,004,440	671,665	810,527	1,482,192	
6/1996**	9,836,063	4,412,028	5,112,196	696,290	834,942	1,531,232	
9/1997**	10,688,789	Na	Na	788,568	989,088	1,777,653	1,885,773
1/1998**	10,755,701	4,592,746	5,337,394	796,721	999,109	1,795,830	
3/1998**	10,974,711	4,668,908	5,430,102	807,460	1,013,810	1,821,270	
10/1998**	11,545,670	4,844,973	5,634,766	844,846	1,059,428	1,904,274	
2/1999**	11,207,151	4,657,233	5,421,306	827,431	1,035,040	1,862,471	
5/14/1999**	11,332,908	4,683,972	5,456,546	836,497	1,046,701	1,883,198	
9/21/1999**	11,508,405	4,723,634	5,505,010	851,411	1,064,705	1,916,116	2,111,717
2/10/2000**	11,676,940	4,746,939	5,545,663	865,494	1,081,186	1,946,680	
10/10/2000**	12,294,601	4,952,531	5,774,928	916,100	1,138,700	2,054,800	
1/04/2001**	12,026,154	4,834,668	5,628,202	906,593	1,122,175	2,028,768	
6/1/2001**	12,085,459	4,843,641	5,638,661	915,318	1,132,237	2,047,555	2,354,465
10/18/2001**	12,299,012	4,901,658	5,708,851	933,203	1,154,468	2,087,671	
02/20/2002**	12,455,503	4,944,804	5,753,825	949,424	1,172,538	2,121,962	
08/28/2002**	12,701,917	5,017,001	5,839,509	973,555	1,200,945	2,174,500	2,487,344
10/02/2002**	12,771,388	5,039,952	5,865,385	978,793	1,207,213	2,186,006	

*After August 1990 purges

**Reports run since 1995 do not reflect an accurate total of Hispanic surnamed voters since legislative change removed the requirement to state a gender. Applicants who didn't provide a gender were not counted in report.

***Total Hispanic surname voters taken from Spanish label project - For every election that has a Constitutional Amendment, our office mails an explanatory statement of the amendments translated in Spanish to every Hispanic surnamed household. These figures are taken from the summary report. The program is run each July before the November election. This figure since not broken down by male/female includes all Hispanic surnamed voters.

From: Elections Internet
Sent: Tuesday, November 01, 2011 10:44 AM
To: 'John Wierferman'
Subject: RE: Upcoming 2012 voter ID requirements (UPDATED)-Wierferman (GLS)

As we are not experts on laws pertaining to military IDs, please be advised that we can only provide the language enacted in Senate Bill 14:

"(2) a United States military identification card that contains the person's photograph that has not expired or that expired no earlier than 60 days before the date of presentation"

Below is a summary of the complete list that will be acceptable subject to federal approval of Senate Bill 14:

- Texas Driver's License issued by the Department of Public Safety ("DPS")
- Texas Election Identification Certificate issued by DPS;
- Texas Personal Identification Card issued by DPS;
- Texas Concealed Handgun License issued by DPS;
- United States Military Identification Card containing the person's photograph;
- United States Citizenship Certificate containing the person's photograph; or
- United States Passport.

Hope you find this information helpful.

From: John Wierferman [<mailto:john.wierferman@gmail.com>]
Sent: Thursday, October 27, 2011 2:36 PM
To: Elections Internet
Subject: Fwd: Upcoming 2012 voter ID requirements (UPDATED)

From: **John Wierferman** <john.wierferman@gmail.com>
Date: Thu, Oct 27, 2011 at 2:11 PM
Subject: Upcoming 2012 voter ID requirements (2)
To: elections@sos.state.tx.us

(I have attempted to put updated material in bold.)

Among the acceptable forms of photo identification required for voting AFTER January 1, 2012, as I understand, is a U.S. military identification card containing the person's photograph.

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Defendant's Exhibit #

DE-000947

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Question: Does the U.S. Merchant Mariner's document (commonly know as a "Z-Card") issued by the U.S Coast Guard qualify under this provision? Such cards, which are laminated, bear the individual's photo, personal info, rating/license, the Coast Guard seal, and, **depending on when they were issued**, the stamp: "Validated for emergency service." **Older ones had no expiry date; newer ones apparently now do.**

Thank you in advance for your reply.

John Wieferman

512.451.0517

john.wieferman@gmail.com

TX_00105593

Defendant's Exhibit #

DE-000948

149

USA_00008742

AW _____
Prescribed by Secretary of State
Section 63.0012, Texas Election Code
8/11

Notice of Required Identification

The purpose of this Notice is to inform you that starting January 1, 2012 the form of identification you presented for voting in this election will not be acceptable for voting in Texas Elections.

New Forms of Identification:

Upon federal approval of a photo identification law passed by the Texas Legislature in 2011, a voter will be required to show one of the following forms of photo identification at the polling location before the voter may be accepted for voting in Texas' Elections:

- Driver's license, election identification certificate, personal identification card,* or concealed handgun license issued by the Texas Department of Public Safety;
- United States Military identification card containing the person's photograph;
- United States citizenship certificate containing the person's photograph; or
- United States passport.

With the exception of the U.S. citizenship certificate, the identification must be current or have expired no more than 60 days before being presented for voter qualification at the polling place.

*If you do not have a valid form of photo identification, you may apply for a free election identification card at your local Texas Department of Public Safety office.

Exemptions:

Voters with a disability may apply with the county voter registrar for a permanent exemption. The application must contain written documentation from either the U.S. Social Security Administration evidencing the applicant's disability, or from the U.S. Department of Veterans Affairs evidencing a disability rating of at least 50 percent. In addition, the applicant must state that he or she has no valid form of photo identification. Those who obtain a disability exemption will be allowed to vote by presenting a voter registration certificate reflecting the exemption.

Temporary exemptions include voters who have a consistent religious objection to being photographed and voters who do not have any photo identification as a result of certain natural disasters as declared by the President of the United States or the Texas Governor.

Provisional Voting:

If voters do not present one of the forms of photo identification listed above and do not have a permanent disability exemption indicated on their voter registration certificates, voters may cast a provisional ballot at the polls and must present a valid form of photo identification or apply for a temporary exemption in the presence of the county voter registrar within six days of the election day.

TX_00153440

Defendant's Exhibit #

DE-000954

152

USA_00008748

From: Melanie Best
Sent: Friday, October 03, 2008 12:12 PM
To: Elec Legal; Ann McGeehan; Melinda Nickless; Karen Richards
Subject: FW: Illegal Aliens Voting....Haley (EHW)

This is one of several letters / emails I've used in response to someone expressing concern about a non-U.S. Citizen registering. This does not always answer the person sufficiently, as they often want to see a change in law. But this usually helps them to know we have the issue on the radar as much as is within our power, as well as alert them to DOJ preclearance issues, NVRA requirements, history, etc.

If I need to send to someone else who already knows some of the issues, I preface this by saying this is a response we sometimes use to respond to a citizen complaint.

I have older variations, but this one was most recently updated / seen by Elizabeth in May of 2008.

From: Melanie Best
Sent: Thursday, May 22, 2008 3:15 PM
To: 'Pam.Haley@richardson.k12.tx.us'
Cc: Melanie Best; Barbara Strain; Elizabeth Hanshaw Winn
Subject: FW: Illegal Aliens Voting....Haley (EHW)

Thank you for your question about citizenship requirements for voting. As someone who expects integrity from government, we hope you will appreciate the context within which we must confine our answers. We are strictly prohibited from lobbying; therefore, we must largely confine our reply to current law and recent changes in the past that you might like to know about. Any communications to your elected representatives as to what you believe is the law in the future is at your discretion.

As a matter of legal history, you might wish to know that until 1997, the law did not require any identification of any kind to be presented at the polling place. At that time, Texas passed a list of acceptable identification for use in voting as a matter of state law. In the Help America Vote Act of 2002, Congress passed a similar list of requirements for identification into federal law to be used by all 50 states in a federal election.

U. S. Citizenship, requirement to register

Our office has worked over the years to enforce the U. S. citizenship requirement, but in a manner that will not intimidate persons who are eligible to vote. The Texas and federal system, in general, is designed to make registration easy for a voter, and that goal is served both by mail-in and agency registration procedures. Simply put, the system depends on the voter's word for most of the information in the first application to make it fast and easy for voters to apply. After that, the voter's status is subject to investigation. In that context, however, please know that our office and the Texas Legislature have tried to answer the concerns of citizens like you, as follows.

For example, the mail-in voter registration (as opposed to in-person registration) is an option that is required as a matter of federal law. However, our office has authority as to how the form is designed, once the state and federal requirements are met. Our office redesigned the state application form in the mid-1990's so that an applicant must check "yes" or "no" as to U.S. citizenship status separately. If the box is checked "no" or is left blank, the person's application, under prior law, was rejected. Currently, an applicant would be allowed to supplement missing information if the question was left blank. This change was made in response to complaints that non-U.S. citizens were signing the old applications and being registered to vote, possibly

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Defendant's Exhibit #

DE-000966

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without realizing what they were signing. To explain, by simply signing the old form, you were affirming that, among other things, you were a U.S. citizen. The United States Congress required all state forms to follow this "Yes / No" format in all state application forms under the federal Help America Vote Act of 2002 (HAVA). While this might seem a small change, it is our understanding from prosecutors that separating the statement out, and requiring a more definitive answer from the voter, makes it easier to prosecute later for a false statement.

After filling in and providing the information necessary on the voter registration application, the voter registrar of the county reviews the application to ensure it complies with the above requirements. If the voter registrar has any reason to believe the applicant is not eligible for registration, the registrar will challenge the applicant's eligibility. Notice is sent to the applicant not later than the second day after the date of the challenge, indicating to the applicant the grounds for the challenge, and providing the applicant the opportunity to request a hearing to contest the challenge. Should the applicant request a hearing to contest the challenge, the applicant would be required to offer evidence, affidavits, or arguments refuting the challenge. After considering the evidence, the registrar will promptly make a determination and issue a decision in writing, notifying the applicant of the outcome. If the registrar decides to reject the argument and supporting evidence, then he/she shall enter the date of and reason for the rejection on the application. If the challenge is defeated by the applicant, then the application will be accepted and processed accordingly, with the effective dated based on the original submission of the application. Section 16.091, Election Code.

Secondly, the federal National Voter Registration Act requires that certain state agencies must offer voter registration to each client every time the client goes to the agency. In some state agencies, asking voters whether they are U.S. citizens is part of the agency's established procedure. Our office worked for over two years to get a new rule approved by the U.S. Department of Justice to help deal with the problem of registering non-citizens. Now, if the person states that he or she is not a citizen as part of the office's regular procedure, that person is not offered voter registration.

Third, the voter registration list is used for selecting the jury pool. Under current Texas law, each month the clerk of the court sends a list of all jurors who were disqualified due to lack of citizenship to the voter registrar. The voter registrar then must check whether any of these names appears on the registration rolls. If any of the disqualified jurors are registered to vote, then the voter registrar sends the voter a notice and a request for proof of citizenship. If there is no response from the voter within 30 days showing proof of citizenship, the voter's registration is canceled. Section 16.0332 was amended in 2003 to make the requirements more stringent. See excerpt from House Bill 1695 (2003), set out below (new law is underlined):

SECTION 9. Sections 16.0332(a) and (b), Election Code, are amended to read as follows:

(a) After the registrar receives a list under Section 62.113, Government Code, of persons excused or disqualified from jury service because of citizenship status, the registrar shall deliver to each registered voter whose name [who] appears on the list a written notice requiring the voter to submit to the registrar

[provide] proof of United States citizenship in the form of a certified copy of the voter's birth certificate, United States passport, or certificate of naturalization or any other [a] form

prescribed by the secretary of state. The notice shall be delivered by forwardable mail to the mailing address on the voter's registration application and to any new address of the voter known to the registrar.

(b) If a voter fails to submit to [~~provide~~] the registrar [~~with~~] proof of citizenship on or before the 30th [~~31st~~] day after the date the notice is mailed [~~to the voter~~], the registrar shall cancel the voter's registration.

Additionally, Congress passed a law providing that a voter registration certification was not adequate identification to prove citizenship for purposes of returning to the United States from another country. This law was passed, in part, in the hope of preventing fraudulent use of voter registration to prove citizenship.

More recently, in response to demands for faster and more convenient registration on the Internet, Texas law was changed to allow voters to input updates for moves within a county on the web. However, voters may NOT use the Internet to file original registration applications or *new* applications in a new county. This distinction was made in Texas law so that the original application continues to be a hardcopy signed document.

In sum, the voter registration application is a legal affidavit. The form lists all of the eligibility requirements so that when a person puts his or her signature on this legal affidavit, he or she is aware of what he or she is claiming to be true and affirms that he or she meets all of the requirements. The form has been revised over time to emphasize the warning about perjury. A sample of the current form is here:
<http://www.sos.state.tx.us/elections/voter/reqvr.shtml>

Judicial Enforcement of Registration Laws

Regarding addressing the problem through the judicial system afterwards, there are two ways the law is enforced: civil and criminal. In the civil courts, if a candidate (or a voter in a proposition election) believes that illegal votes altered the outcome of the election, he or she may take the issue to court in an election contest. The civil trial can result in the outcome of the election being changed, but is not by itself criminal prosecution. In the criminal courts, the criminal offense is investigated and prosecuted; however, criminal adjudication by itself does not alter the outcome of the election.

In addition to the criminal offense of a false statement from the *voter*, the Election Code also provides a criminal offense that applies to *anyone who helps* a voter make a false statement. See Section 13.007:

§ 13.007. FALSE STATEMENT ON APPLICATION. (a) A person commits an offense if the person knowingly makes a false statement or requests, commands, or attempts to induce another person to make a false statement on a registration application.

(b) An offense under this section is a Class B misdemeanor.

(c) For purposes of this code, an offense under this section is considered to be perjury, but may be prosecuted only under this section.

In answer to your question about illegal voting, the penalties are as follows:

§ 64.012. ILLEGAL VOTING. (a) A person commits an offense if the person:

- (1) votes or attempts to vote in an election in which the person knows the person is not eligible to vote;
- (2) knowingly votes or attempts to vote more than once in an election;
- (3) knowingly impersonates another person and votes or attempts to vote as the impersonated person; or
- (4) knowingly marks or attempts to mark another

person's ballot without the consent of that person.

(b) An offense under this section is a felony of the third degree unless the person is convicted of an attempt. In that case, the offense is a Class A misdemeanor.

The criminal offenses can be prosecuted at the county level, by a county or district attorney; at the state level by the attorney general, and in the case of a federal violation, at the federal level. Generally, when an allegation of voter fraud is forwarded to our office, either by a voter, or a county official, our office will review the allegations, and if it is determined that illegal activity could have taken place, we will forward all information to the Office of the Attorney General for investigation. Upon our forwarding the matter to the OAG, the OAG will be in contact with the individual communicating the allegation, and conduct an investigation into the matter alleged. It is difficult to determine how many cases of voter fraud have actually been prosecuted and convicted, since our agency does not have the jurisdiction to prosecute or convict. Under the Texas Election Code, Section 31.006, our agency is only empowered with the ability to refer complaints to the OAG that our agency determines show reasonable cause to suspect that an alleged criminal act has occurred.

We can well understand how voters would like for there to be a solution to the problem of election irregularities. However, like any other criminal offense, the problem is addressed by a combination of laws designed to prevent the offense from occurring (in the registration process), to halt the event while in progress (as with the jury pool), and investigation after the event occurs (through the civil and criminal justice system). All of these systems themselves must be under scrutiny, so that the process of addressing illegal voters does not inadvertently prevent legal voters from voting.

Sincerely,

Elections Division Staff
Texas Secretary of State

From: Haley, Pam [mailto:Pam.Haley@richardson.k12.tx.us]
Sent: Friday, March 28, 2008 3:56 PM
To: Elections Internet
Subject: Illegal Aliens Voting....Haley (EHW)

What provisions are in place in the Great State of Texas to ensure only legal U. S. Citizens are voting???? What is the penalty if a non-U. S. citizen or a non-Texas resident are caught voting in Texas???? Thanks, Pam Haley

From: Elizabeth Winn
Sent: Monday, January 31, 2011 9:48 AM
To: Elec Legal
Subject: FW: SB 14

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Orange Category

copy

From: Ann McGeehan
Sent: Monday, January 31, 2011 9:28 AM
To: 'Meredyth Fowler'
Cc: Elizabeth Winn; John Sepehri
Subject: SB 14

Just reviewed SB 14 as amended in the Senate, and Amendment No 8 allows a voter without required ID to vote a provisionally and sign an affidavit claiming that the voter has a religious objection to being photographed. The election authority does not need to confirm through any public records that the person does in fact have a religious objection. The affidavit serves as proof and the ballot is counted. A person could challenge the legitimacy of the affidavit through the courts or a losing candidate could challenge it in an election contest.

Ann McGeehan
Director of Elections
Office of the Texas Secretary of State
amcgeehan@sos.state.tx.us
512-463-9871

New Photo ID Frequently Asked Questions (FAQ)

Q1: When does the new photo identification law (Senate Bill 14) go into effect?

Subject to U.S. Justice Department approval of a photo identification law passed by the Texas Legislature in 2011, the new photo identification requirements will become effective on January 1, 2012.

Q2: What kind of identification will be required to qualify to vote in person under the new program?

A voter will be required to show one of the following forms of photo identification at the polling location before the voter will be permitted to cast a vote.

- **Texas Driver's License issued by the Department of Public Safety ("DPS")**
- **Texas Election Identification Certificate issued by DPS;**
- **Texas Personal Identification Card issued by DPS;**
- **Texas Concealed Handgun License issued by DPS;**
- **United States Military Identification Card containing the person's photograph;**
- **United States Citizenship Certificate containing the person's photograph; or**
- **United States Passport.**

- With the exception of the U.S. citizenship certificate, the identification must be current or have expired no more than 60 days before being presented for voter qualification at the polling place.

Q3. But what if a voter does not have any of these forms of photo ID? Are there any exceptions?

- If a voter does not have a permanent disability exemption address below indicated on his or her voter registration certificate AND the voter does not have any of the photo identifications indicated above at the time of voting, the voter may cast a provisional ballot at the polls. However, in order to have the provisional ballot counted, the voter will be required to visit the voter registrar's office within six calendar days of the date of the election to either present one of the above forms of photo ID OR submit one of the temporary affidavits addressed below (e.g., religious objection or natural disaster) in the presence of the county voter registrar while attesting to the fact that he or she does not have any of the required photo IDs.
- A **permanent exemption** is available for voters with documented disabilities. Voters with a disability may apply with the county voter registrar for a permanent exemption. The application must contain written documentation from either the U.S. Social Security Administration evidencing the applicant's disability, or from

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Defendant's Exhibit #

DE-001013

170

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the U.S. Department of Veterans Affairs evidencing a disability rating of at least 50 percent. In addition, the applicant must state that he or she has no valid form of photo identification. Those who obtain a disability exemption will be allowed to vote by presenting a voter registration certificate reflecting the exemption.

- **Affidavits** are available for voters who have a consistent religious objection to being photographed and for voters who do not have any photo identification as a result of certain natural disasters as declared by the President of the United States or the Texas Governor within 45 days of the day the ballot was cast.

Q4: So if I have a government-issued ID that contains my photo and it is not on the list above, I cannot use it?

- If you do not have one of the forms of photo IDs listed above and your voter registration certificate does not have a disability exemption noted, you will only be eligible to cast a provisional ballot.

Q5: Does the new photo ID requirement apply to voting by mail?

- Processing requests for mail ballots will work the same way it did before Senate Bill 14 was passed. Senate Bill 14 does not require photo ID for voting by mail.

Q6: Does the address on my photo identification have to match my address on the official list of registered voters at the time of voting?

- Senate Bill 14 makes no determination on voter address matching criteria; therefore, there is no matching requirement.

Q7: When is the Department of Public Safety (DPS) Election Identification Certificate to be available?

- DPS is currently working on its requirements and processes for the new, free Election Identification Certificate. You may check for information updates at this link: <http://www.txdps.state.tx.us/>.

Q8: What happens if SB 14 is not precleared by the federal government?

- When the Texas Legislature enacts changes to voting procedures, we are required to submit those changes to the federal government for review, a process known as preclearance. Until SB 14 receives preclearance by the federal government, current law remains in effect.

TX_00195518

Defendant's Exhibit #

DE-001014

170

USA_00008808

From: Elizabeth Winn
Sent: Wednesday, October 20, 2010 8:52 AM
To: Elec Legal
Subject: FW: Question on proper identification-Martinez (EHW)

copy

-----Original Message-----

From: Paul Miles
Sent: Wednesday, October 20, 2010 8:47 AM
To: 'bayviewfive@sbcglobal.net'
Subject: FW: Question on proper identification-Martinez (EHW)

Dear Ms. Martinez:

Thank you for your e-mail. If a voter has his or her current registration certificate, no other identification is required. If the voter does not have the certificate, the voter must present an alternative form of identification. Note that the purpose of presenting the ID is to identify the voter, not to establish that person's residence. There is no requirement under state law that the driver's license used to identify a voter match the city in which the voter is applying to vote or the address at which the voter is registered. Section 63.0101 of the Texas Election Code provides the acceptable forms of identification as follows:

- (1) a driver's license or personal identification card issued to the person by the Department of Public Safety or a similar document issued to the person by an agency of another state, regardless of whether the license or card has expired;
- (2) a form of identification containing the person's photograph that establishes the person's identity;
- (3) a birth certificate or other document confirming birth that is admissible in a court of law and establishes the person's identity;
- (4) United States citizenship papers issued to the person;
- (5) a United States passport issued to the person;
- (6) official mail addressed to the person by name from a governmental entity;
- (7) a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter; or
- (8) any other form of identification prescribed by the secretary of state.

Election officials would have no authority to reject a registered voter based on the fact that the driver's license address was in another city. To have done so would have been an irregularity in the election. Further, the election judges may have violated Section 63.012 of the Code in which it is a Class B misdemeanor for an election official to knowingly refuse to accept a person for voting whose acceptance is required under the Election Code. Under Section 273.001 of the Code if the district or county attorney receives two or more affidavits alleging criminal activity in connection with an election, they are required to investigate the allegations. You and others who were turned away in this manner may wish to submit affidavits to that effect to the county or district attorney for review.

We hope that this answers your questions. If you need additional information, please e-mail or contact the elections division toll-free at 1-800-252-8683.

Thank you very much.

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Defendant's Exhibit #

DE-001017

172

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Paul Miles
Elections Division
Office of the Secretary of State

-----Original Message-----

From: Irma Martinez [<mailto:bayviewfive@sbcglobal.net>]
Sent: Monday, October 18, 2010 4:27 PM
To: Elections Internet
Subject: Question on proper identification

Can you tell me if a voter does not have the certification card at time of voting and had a drivers license which had another address different than the city you registered can you be turned away from voting? The city I live in had a city election for alderman and several voters were turned away due to the drivers license issue.
Please advise.

Sent from my iPhone

Mhf.65@hotmail.com

From: Lee Guyette
Sent: Tuesday, November 22, 2011 8:18 AM
To: Scott Brandt
Subject: FW:

Per your request, John redid the original query and this time, the number slightly shrunk to 601K.
However, there are more twists and turns here that I'll need to mention to you.

Lee Guyette, MSc PMP
Software Development Manager
Office of the Texas Secretary of State
(512) 423-5751
lguyette@sos.state.tx.us



From: Lee Guyette
Sent: Monday, November 21, 2011 6:29 PM
To: John Mendoza
Subject: RE:

John,
So the magical 605K or 603K, is that from the "All Voters" "without TDL/ID with No DPS Match"?

			Without TI with No DPS					
			All Voters (Including Hispanics)					
County Code	County Name	VR	Active	%	Suspense	%	Total	%
	Statewide Total	12,875,802	528,604	4.11%	72,173	0.56%	600,777	4.67%

Lee Guyette, MSc PMP
Software Development Manager
Office of the Texas Secretary of State
(512) 423-5751
lguyette@sos.state.tx.us



From: John Mendoza
Sent: Monday, November 21, 2011 6:14 PM

To: Lee Guyette
Subject:

Lee,

This is the updated spreadsheet based on the re-running script run 9/19/2011 (with Hispanic counts).

JohnM.

ACCEPTABLE IDENTIFICATION DOCUMENTS**PRIMARY IDENTIFICATION DOCUMENTS**

These documents are accepted for identification purposes only, without the need for additional supporting documentation, and must include an identifiable photo, the applicant's full name, and the applicant's date of birth. All documents must be verifiable.

Texas driver license (DL) or identification certificate (ID) with photo within two years of expiration date.

Unexpired **U.S. passport book or passport card**

U.S. Citizenship Certificate or Certificate of Naturalization with identifiable photo (N-560, N-561, N-645, N-550, N-55G, N-570 or N-578)

Unexpired DHS or USCIS document The document must contain verifiable data and identifiable photo. Examples include:

U.S. Citizen Identification Card (I-179 or I-197)
Permanent Resident Card (I-551)
Temporary I-551 (immigrant visa endorsed with admit stamp) and foreign passport
Temporary Resident Identification Card (I-688)
Employment Authorization Card (I-766)
U.S. Travel Document (I-327 or I-571)
Advance Parole Document (I-512 or I-512L)
I-94 stamped Sec. 208 Asylee with photo
I-94 stamped Sec. 207 Refugee with photo
Valid Refugee Travel Letter with photo and stamped by CBP
American Indian Card (I-872)
Northern Mariana card (I-873)

Foreign Passport, visa (valid or expired), and form I-94 with an undefined expiration date (e.g. duration of status). If the applicant was not required by federal law to obtain a visa to enter the United States, the visa requirement under this subsection may be waived.*

Foreign Passport, visa (valid or expired), and Form I-94 with a defined expiration date. If the applicant was not required by federal law to obtain a visa to enter the United States, the visa requirement under this subsection may be waived.*

Unexpired **U.S. military ID card** for active duty, reserve, or retired personnel with identifiable photo.

* Examples include citizens of the Republic of Palau, the Republic of the Marshall Islands, the Federated States of Micronesia, and certain Canadian non-immigrants.

This chart is for identification of applicants only, is based on Texas Administrative Code Title 37, Part 1, Chapter 15, Subchapter B, Rule §15.24, and can be referenced at <http://info.sos.tx.us>. Additional application requirements can be referenced at <http://www.txdps.state.tx.us/DriverLicense/>.

DL-17
(Rev. 12-11)

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Defendant's Exhibit #

DE-001146

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ACCEPTABLE IDENTIFICATION DOCUMENTS

SECONDARY IDENTIFICATION DOCUMENTS	SUPPORTING IDENTIFICATION DOCUMENTS
<p>If an applicant is unable to present a document from the primary identification chart, the applicant must present either two secondary documents or one secondary and two supporting documents for identification purposes. DPS personnel may require additional documentation to verify conflicting information, verify incomplete names and/or DOB, or document name changes. The documents in these categories must be originals or copies certified by the issuing agency or entity. All documents must be verifiable. Any document not listed in the Supporting column that meets the Department's needs in establishing identity must be approved by DLD headquarters.</p>	
<p>Original or certified copy of a birth certificate issued by the appropriate State Bureau of Vital Statistics or equivalent agency from a U.S. state, U.S. territory, the District of Columbia, or a Canadian province. A birth record issued by a hospital is not acceptable under this category.</p> <p>Original or certified copy of U.S. Dept. of State Certification of Birth Abroad (issued to U.S. citizens born abroad) (Form FS-240, DS-1350, or FS-545).</p> <p>Original or certified copy of court order with name and date of birth (DOB) indicating an official change of name and/or gender from a U.S. state, U.S. territory, the District of Columbia, or Canadian province.</p>	<p>Social Security card (actual card)</p> <p>Forms W-2 or 1099</p> <p>Numident record from the Social Security Administration</p> <p>Numilite letter from the Social Security Administration</p> <p>Temporary receipt for a Texas DL or ID (actual receipt)</p> <p>DL or ID issued by another U.S. state, U.S. territory, the District of Columbia, or Canadian province (unexpired or within two years of the expiration date)(actual card) *</p> <p>Expired Texas DL or ID (expired more than two years) (actual card)</p> <p>School records * (e.g. report cards, photo ID cards, etc.)</p> <p>Military records (e.g. Form DD-214)</p> <p>Unexpired U.S. military dependant identification card (actual card)</p> <p>Original or certified copy of marriage license or divorce decree (U.S. jurisdiction or foreign jurisdiction – if the document is not in English, a certified translation must accompany it)</p> <p>Voter registration card (actual card) *</p> <p>Pilot's license (actual card) *</p> <p>Concealed handgun license (actual card) *</p> <p>Professional license issued by Texas state agency</p> <p>ID card issued by government agency *</p> <p>A valid consular document issued by a state or national government</p> <p>Texas Inmate ID card or similar form of ID issued by TDCJ</p> <p>TDCJ parole or mandatory release certificate</p> <p>Federal inmate identification card</p> <p>Federal parole or release certificate</p> <p>Medicare or Medicaid card (actual card)</p> <p>Selective Service card (actual card)</p> <p>Immunization records *</p> <p>Tribal membership card from federally recognized tribe</p> <p>Certificate of Degree of Indian Blood</p> <p>Unexpired foreign passport</p> <p>Insurance policy (e.g. auto, home, life, etc.) (valid continuously for the past two years)</p> <p>Texas Vehicle title (TRC §521.144)</p> <p>Current Texas vehicle registration</p> <p>Current Texas boat registration or title</p> <p>Veteran's Administration card (actual card)</p> <p>Hospital issued birth record *</p>

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Defendant's Exhibit #

DE-001147

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ACCEPTABLE IDENTIFICATION DOCUMENTS

* This document must be issued by an institution, entity, or government from a U.S. state, U.S. territory, the District of Columbia, or Canadian province.

TX_00214269

Defendant's Exhibit #

DE-001148

185

USA_00008942

From: Martinez, Germaine
Sent: Tuesday, July 05, 2011 4:46 PM
To: Iselt, Jessica
Cc: Gomez, Enrique; Martinez, Germaine
Subject: SB 14 Voter ID
Attachments: voter id requirements - fiscal note 07_05_11.docx

Importance: High

Jessica,

We are being asked for a fiscal note to implement SB 14 for the Voter ID.

Can you please coordinate on the IT side to obtain a fiscal impact for implementing the requirements in the attached document? This will also include an interface between DLS and Crime Records to determine if the individual that is applying for the Voter ID is eligible to register to vote.

As always we have an extremely short deadline for this which is COB of Thursday.

Thanks,
Germaine

From: Gipson, Sheri
Sent: Tuesday, August 09, 2011 2:25 PM
To: Mastracchio, JoeAnna; Gomez, Enrique; Davio, Rebecca; Terry, Michael
Cc: Smith, Janie; Coleman, Ron; Spinks, Margaret; Watkins, Paul
Subject: RE: Voter ID card

I like C as well. We could do something minor for security (change the font of one of the words or leave a dot off one of the I's like we do on the dl) without impacting cost. Also, on the header can we lose the word "the" in the state of Texas?

Sheri Gipson
Customer Support
Driver License Division
512-424-2769

From: Mastracchio, JoeAnna
Sent: Tuesday, August 09, 2011 1:26 PM
To: Gomez, Enrique; Davio, Rebecca; Terry, Michael; Gipson, Sheri
Cc: Smith, Janie; Coleman, Ron; Spinks, Margaret; Watkins, Paul
Subject: Re: Voter ID card

Currently none...and that is a discussion point, especially if we need to keep cost down- which we do. If we are hoping that few will actually qualify it would be a trade off for numbers vice cost of card.
Thought would be that if we do get a huge influx and there seems to be problems we make the change when we institute a new DL.

From: Gomez, Enrique
Sent: Tuesday, August 09, 2011 12:58 PM
To: Mastracchio, JoeAnna; Davio, Rebecca; Terry, Michael; Gipson, Sheri
Cc: Smith, Janie; Coleman, Ron; Spinks, Margaret; Watkins, Paul
Subject: RE: Voter ID card

I also like C.
What are the security features on it? It looks very easy to falsify.

Enrique

From: Mastracchio, JoeAnna
Sent: Tuesday, August 09, 2011 9:45 AM
To: Davio, Rebecca; Terry, Michael; Gipson, Sheri
Cc: Smith, Janie; Coleman, Ron; Gomez, Enrique; Spinks, Margaret; Watkins, Paul
Subject: FW: Voter ID card
Importance: High

L1 took Mike's drawing on the white board and came up with an initial design (see attached).

I kinda like Style B, but I like the voter ID # location on Style C as well as the Date of Birth and Expiration Date that are spelled out. I think if they got rid of the little Texas' in the boarder and added the Texas seal, my preference would actually be Style C. The overall symmetry of the Style C is better.

My personal preference of color would still be pink though. ☺

V/R Joe
JoeAnna F. Mastracchio
Driver License Division
Texas Department of Public Safety
w: 512-424-5415
c: 512-550-4784
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Sent: Tuesday, August 09, 2011 9:25 AM
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